

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

GANG CHEN,)	
also known as “ANDY CHEN,”)	Case No. 1:19-cv-308
)	
<i>Plaintiff,</i>)	Judge Travis R. McDonough
)	
v.)	Magistrate Judge Susan K. Lee
)	
EDWARD RICE and LAVONDA)	
WILLIAMS,)	
)	
<i>Defendants.</i>)	

ORDER

On November 1, 2018, Defendants Edward Rice and Lavonda Williams filed a petition for removal and federal stay of eviction (Doc. 1) and an application to proceed *in forma pauperis* (Doc. 4). On November 5, 2019, Magistrate Judge Susan K. Lee issued a report and recommendation (Doc. 5), recommending that: (1) this matter be remanded to Hamilton County General Sessions Court; and (2) Defendants’ application to proceed *in forma pauperis* be denied as moot. (*Id.* at 1.) Neither party has filed timely objections to Magistrate Judge Lee’s report and recommendation.¹ Nevertheless, the Court has conducted a review of the report and recommendation, as well as the record, and it agrees with Magistrate Judge Lee’s well-reasoned

¹ Magistrate Judge Lee specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive their right to appeal. (Doc. 5, at 3 n.2); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Federal Rule of Civil Procedure 6(d), the period in which the parties could timely file any objections has now expired.

conclusions. Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's report and recommendation (Doc. 5) and **ORDERS** as follows:

1. This matter is **REMANDED** to the Hamilton County General Sessions Court;
2. Defendant's application to proceed *in forma pauperis* is **DENIED AS MOOT**; and
3. The Clerk is **DIRECTED** to close this federal case.

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**